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Report of the International Criminal Court

Report of the International Criminal Court

Note by the Secretary-General

The annual report of the International Criminal Court on its activities for the period 2015/16 is submitted herewith to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court and paragraph 28 of Assembly resolution 70/264.

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Report of the International Criminal Court on its activities in 2015/16

Summary

The International Criminal Court faced an unprecedented workload, with four cases simultaneously at trial and several at other stages of proceedings.

The Court continued to enjoy highly valuable cooperation with the United Nations on a wide range of issues, notably including operational assistance in the field provided on a reimbursable basis.

The Office of the Prosecutor conducted preliminary examination activities in 11 situations (Afghanistan, Burundi, Colombia, Comoros, Georgia, Guinea, Honduras, Iraq, Nigeria, Ukraine and State of Palestine) and opened a new investigation into the situation in Georgia following judicial authorization by the Court.

In the Court's first case involving command responsibility and the first conviction for sexual violence, Jean-Pierre Bemba Gombo was found guilty of crimes against humanity and war crimes and sentenced to 18 years' imprisonment. Reparations proceedings began and the conviction and the sentence were appealed against.

The trial of Bosco Ntaganda in the situation in the Democratic Republic of the Congo and the trial of Laurent Gbagbo and Charles Blé Goudé in the situation in Côte d'Ivoire began on 2 September 2015 and 28 January 2016, respectively.

In the first case in the situation in Mali, Ahmad Al Faqi Al Mahdi was surrendered to the Court on 26 September 2015 and the Court's first war crime charge regarding the destruction of historic monuments and buildings dedicated to religion, in relation to Timbuktu, was confirmed on 1 March 2016. The trial is scheduled to begin on 22 August 2016.

Charges against Dominic Ongwen in the situation in Uganda were confirmed and the trial is set to begin on 6 December 2016.

Reparations proceedings are under way in the cases of Thomas Lubanga and Germain Katanga, both in the situation in the Democratic Republic of the Congo.

In total, the Court is currently seized of 23 cases and 10 situations (Central African Republic I and II, Côte d'Ivoire, Democratic Republic of the Congo, Georgia, Kenya, Libya, Mali, Darfur (Sudan) and Uganda).

Requests for arrest and surrender issued by the Court remain outstanding against 13 individuals:

(a) Côte d'Ivoire: Simone Gbagbo, since 2012;

(b) Democratic Republic of the Congo: Sylvestre Mudacumura, since 2012;

(c) Kenya: Walter Barasa, since 2013; and Paul Gicheru and Philip Kipkoech Bett, since 2015;

(d) Libya: Saif Al-Islam Gaddafi, since 2011;

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(e) Darfur: Ahmad Harun and Ali Kushayb, since 2007; Omar Al Bashir, since 2009; Abdel Raheem Muhammad Hussein, since 2012; and Abdallah Banda, since 2014;

(f) Uganda: Joseph Kony and Vincent Otti, since 2005.

The Court referred three findings of non-cooperation to the Security Council in relation to the situation in Darfur.

The Trust Fund for Victims assisted more than 300,000 victims in northern Uganda and the Democratic Republic of the Congo with physical and psychological rehabilitation and material support.

The Court moved to its permanent premises in The Hague, the Netherlands, and was honoured that the Secretary-General addressed the official opening ceremony on 19 April 2016.

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I. Introduction

1. The present report, covering the period from 1 August 2015 to 31 July 2016, is submitted to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court. Detailed information on the situations and cases is available on the Court's website.

II. Update on judicial and prosecutorial activities

A. Preliminary examinations

2. The Office of the Prosecutor opened a preliminary examination of the situation in Burundi, continued preliminary examinations of the situations in Afghanistan, Colombia, Guinea, Iraq, Nigeria, Ukraine and the State of Palestine and of the Comoros referral and concluded its preliminary examinations of the situations in Georgia and Honduras. It published a report on its preliminary examination activities on 12 November 2015.

3. The Office continued to analyse information received from various sources alleging the commission of crimes potentially falling within the Court's jurisdiction. From 1 August 2015 to 30 June 2016, it registered 410 communications relating to article 15 of the Rome Statute of the International Criminal Court, of which 302 were manifestly outside the Court's jurisdiction, 35 were unrelated to current situations and warranted further analysis, 62 were linked to a situation already under analysis and 11 were linked to an investigation or prosecution.

1. Afghanistan

4. Having found that the information available provided a reasonable basis to believe that crimes falling within the purview of the Rome Statute, including sexual and gender-based crimes, had been committed in the situation in Afghanistan and that the identified potential cases would be admissible before the Court, the Office began to gather information relevant for assessing whether there were substantial reasons to believe that an investigation would not serve the interests of justice before making a decision on whether to seek authorization from the Pre-Trial Chamber to open an investigation.

5. The Office engaged with stakeholders to discuss matters relevant to the issue of the interests of justice, including the gravity of the crimes and the interests of victims.

2. Burundi

6. Since April 2015, Burundi has experienced violence between anti-Government protesters and the security forces. In May 2015, the Prosecutor issued a public statement with regard to reports of pre-election violence.

7. The violence escalated following the President's re-election for a third term in July 2015. Following a deterioration of the security situation in November 2015, the Prosecutor issued another public statement to remind all actors of the jurisdiction of the Court.

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8. On 25 April 2016, the Prosecutor opened a preliminary examination of the situation in Burundi, focusing on acts of killing, imprisonment, torture, rape and other forms of sexual violence and enforced disappearance allegedly committed since April 2015. The Office of the Prosecutor has since gathered information from various sources to determine whether there is a sufficient factual and legal basis to initiate an investigation. Throughout its activities with regard to the situation, the Office consulted relevant stakeholders, including appropriate United Nations bodies.

3. Colombia

9. The Office of the Prosecutor continued to analyse the relevance and genuineness of national proceedings in order to reach a determination on admissibility. In doing so, it engaged with State authorities and relevant non-governmental organizations. The Colombian authorities took steps in their investigations into high-ranking officials regarding "false positive" cases, under the ordinary system, and into senior paramilitary leaders regarding sexual crimes and forced displacement under the framework of the Justice and Peace Act.

10. The Office continued to carefully monitor developments relating to the continuing negotiations between the Government and the Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo and the beginning of the negotiations with the Ejército de Liberación Nacional. With regard to the former, the Office kept abreast of recent agreements published by the parties, including that on the victims of the conflict, in which is foreseen the creation of a comprehensive system of truth, justice, reparation and non-repetition. The Office will continue its review and analysis of legislation relating to the implementation of that agreement in order to assess its impact on the conduct of national proceedings relating to crimes under the Court's jurisdiction.

4. Georgia

11. The Office finalized its preliminary examination of the situation in Georgia and, on 13 October 2015, pursuant to article 15 of the Rome Statute, the Prosecutor requested Pre-Trial Chamber I to authorize the commencement of an investigation into the situation in Georgia from 1 July to 10 October 2008.

12. On 16 October 2015, the Prosecutor visited Tbilisi, where she further informed victims and their representatives about her decision to request authorization to open an investigation and explained the process of submitting victims' representations to the Pre-Trial Chamber.

13. More information regarding the beginning of the investigation can be found in paragraphs 65 to 67 below.

5. Guinea

14. The Office of the Prosecutor continued to actively follow up on the progress of national proceedings relating to the events of 28 September 2009 and to encourage the Guinean authorities to hold to their commitment to set the stage for a trial in 2017. In addition, the Office continued to engage with the Guinean authorities, United Nations representatives, including the Team of Experts on the Rule of Law and Sexual Violence in Conflict and the judicial expert deployed to support the

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investigation by the panel of Guinean judges, and civil society to ensure and facilitate the adoption of pending investigative acts deemed essential for the completion of the investigation in 2016.

15. On 14 October 2015, following reports of rising tension after the first round of presidential elections, the Prosecutor issued a statement in which she called for calm and restraint on the part of all political actors and their supporters.

16. In February and June 2016, the Office of the Prosecutor conducted missions to Conakry to take stock of the investigative steps taken by the panel of judges and gauge the prospect of completing the national investigation and organizing a trial within a reasonable time frame. Following the presidential election of October 2015, the reform of the judicial system and efforts to combat impunity appear to remain a priority for the incumbent Government. Progress made in judicial proceedings relating to previous incidents of human rights violations in Guinea and the adoption of legislative reforms, including the incorporation of the provisions of the Rome Statute into the new Criminal Code, are encouraging signs of the authorities' commitment to bringing justice to the victims of the events of 28 September 2009.

6. Honduras

17. On 28 October 2015, the Office of the Prosecutor concluded that there was no reasonable basis to proceed with an investigation and decided to close the preliminary examination. A detailed report was issued by the Prosecutor presenting the findings of the Office on subject-matter jurisdiction.

18. Following the announcement, the Office conducted a mission to Tegucigalpa from 29 to 31 October 2015 to explain in detail its analysis and conclusions to the authorities and civil society organizations.

7. Registered vessels of the Comoros, Greece and Cambodia

19. On 6 November 2015, the Appeals Chamber, by majority, found inadmissible and dismissed *in limine* (without discussing the merits) an appeal filed by the Prosecutor on 27 July 2015 against the decision of Pre-Trial Chamber I of 16 July 2015 to grant the application of the Comoros for review of the Prosecutor's decision of November 2014 not to proceed with an investigation.

20. Following that decision, the Office of the Prosecutor reconsidered its decision of 2014. In particular, it reviewed its previous findings in reference to the specific issues raised by Pre-Trial Chamber I in its decision requesting reconsideration, in addition to further submissions and material received since January 2016 from the Government of the Comoros, with a view to reaching a final conclusion on the matter.

8. Nigeria

21. The Office of the Prosecutor continued its analysis of war crimes allegedly committed by Boko Haram and by the Nigerian security forces in the context of the continuing armed conflict in Nigeria. In November 2015, the Office found that the information available provided a reasonable basis to believe that war crimes under article 8 of the Rome Statute had been committed in the context of the non-international armed conflict between Boko Haram and the Nigerian security forces, including intentionally launching attacks against civilians, abductions and

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imprisonment of civilians, killings, rape and other forms of sexual and gender-based violence. The Office identified eight potential cases involving the commission of crimes against humanity and war crimes since January 2013: six for conduct by Boko Haram and two for conduct by the Nigerian security forces. The Office also examined new allegations, including some unrelated to the conflict between Boko Haram and the security forces.

22. Since November 2015, the Office has focused on assessing the admissibility of the eight potential cases. In March 2016, the Prosecutor requested the Government to supply information on any investigations and/or prosecutions undertaken by the national authorities with regard to those potential cases. This was followed by a mission to Abuja in April, during which the Attorney General and Minister of Justice expressed his general commitment to supporting and cooperating with the Office.

9. State of Palestine

23. The Office of the Prosecutor continued to gather and evaluate information on alleged crimes committed by both parties to the Gaza conflict of 2014 and certain alleged crimes committed in the West Bank and East Jerusalem since 13 June 2014, such as those relating to settlement activities.

24. The Office consulted and engaged with State authorities and intergovernmental and non-governmental organizations to address a range of issues relevant to the preliminary examination and specifically to seek additional information to further inform its assessment of the alleged crimes. The Office held numerous meetings with national and international stakeholders and conducted a mission to Amman. In October 2015, the Office also met the President of the State of Palestine, Mahmoud Abbas, during which, among other things, the Prosecutor addressed the escalation of violence in the region and the need for all sides to show calm and restraint.

10. Iraq

25. The Office of the Prosecutor conducted a thorough factual and legal assessment of information received in order to establish whether there was a reasonable basis to believe that alleged crimes committed by nationals of the United Kingdom of Great Britain and Northern Ireland in the context of the armed conflict in Iraq from March 2003 to July 2009 fell within the Court's subject-matter jurisdiction. The Office further conducted a comprehensive evaluation of sources, including by carrying out missions to meet relevant stakeholders and requesting further supporting material. The Office also received and considered information on the progress of continuing relevant national proceedings in the United Kingdom.

11. Ukraine

26. The Office, having continued to gather and analyse information on alleged crimes committed in the context of the events on the Maidan from November 2013 to February 2014, evaluated the information and did not conclude from its preliminary analysis that the grave acts of violence committed amounted to crimes against humanity under the Rome Statute.

27. Subsequent to the lodging by Ukraine of a second declaration under article 12 (3) of the Rome Statute on 8 September 2015, allowing the Court to

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exercise jurisdiction with regard to events occurring from 20 February 2014, the Office began a factual and legal analysis of alleged crimes committed throughout Ukraine, in particular those relating to Crimea and the fighting in eastern Ukraine, to determine whether the criteria established under the Statute for the opening of an investigation had been met.

28. The Office engaged with a wide range of actors, including the Government, international and regional organizations and civil society, to discuss matters relating to the preliminary examination. For that purpose, the Office conducted a mission to Kyiv and held meetings at the seat of the Court.

B. Situations and cases

29. A total of 2,571 victims were admitted to participate in proceedings before the Court. The Court also received 51 new applications for the participation of victims, 714 applications for reparations and 3,581 joint applications for participation and reparations. In addition, the Court received representations by or on behalf of 6,335 victims, conveyed through 43 individual submissions and 26 collective submissions.

1. Situation in the Democratic Republic of the Congo

Investigations

30. The Office of the Prosecutor continued its investigation and work in support of the cases. It conducted 15 missions to six countries in relation to its investigation and trial preparation in the case against Mr. Ntaganda, for the purpose of, among other things, collecting evidence, screening and interviewing witnesses and securing continued cooperation. In addition, the Office on various occasions requested the lifting of restrictions on United Nations and other documents that it intends to use during trial and sought the assistance of the United Nations and other partners in making available (former) staff members to testify at trial.

31. The Office conducted missions for its investigations relating to alleged crimes committed by the Forces démocratiques de libération du Rwanda in the Kivu provinces. Furthermore, it actively followed developments in the Democratic Republic of the Congo and the region, including disarmament, demobilization and reintegration efforts supported by the United Nations, to evaluate and foster the prospects for the arrest and/or surrender of Sylvestre Mudacumura.

32. Beyond the existing cases, active examination of alleged crimes and potential cases in the Democratic Republic of the Congo continued. The Office of the Prosecutor continued proactive discussions with the Congolese authorities on closing the impunity gap and on fostering support for national investigations by the Democratic Republic of the Congo and third States into the crimes.

Judicial proceedings

The Prosecutor v. Thomas Lubanga Dyilo

33. On 22 September 2015, a panel of three judges of the Appeals Chamber decided not to reduce the sentence of Mr. Lubanga who, at the time, had four and a half years of his sentence left to serve. Thereafter, on 8 December, the Presidency,

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taking note of Mr. Lubanga's preference to serve his sentence in his State of nationality, designated the Democratic Republic of the Congo as the State of enforcement.

34. On 3 November 2015, the Trust Fund for Victims submitted its draft implementation plan for reparations to Trial Chamber II. Following the Chamber's request on 9 February 2016 for further information on the proposed reparations programme, reparations proceedings remain under way. Proposals on the anticipated monetary amount of Mr. Lubanga's liability are due in December 2016.

The Prosecutor v. Germain Katanga

35. On 13 November 2015, a panel of three judges of the Appeals Chamber decided to reduce Mr. Katanga's total sentence of 12 years' imprisonment by three years and eight months, setting the date for the completion of his sentence as 18 January 2016. On 8 December, the Presidency designated the Democratic Republic of the Congo as the State in which Mr. Katanga would serve the remainder of his sentence. Reparations proceedings are under way.

The Prosecutor v. Bosco Ntaganda

36. On 2 September 2015, the trial began with the opening statements of the parties and the participants before Trial Chamber VI. The Prosecutor called her first witness on 15 September. The trial is continuing.

2. Situation in the Central African Republic

Investigations

37. The Office of the Prosecutor conducted 83 missions to 13 countries to collect evidence. Strong cooperation was received from the Transitional Government and the recently elected authorities. Effective cooperation with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) was established, including through the signing of a memorandum of understanding in May 2016. Maintaining and further fostering cooperation with MINUSCA and countries in the region, as well as with United Nations agencies and regional organizations, will remain a priority.

38. In line with the primary responsibility of States parties to the Rome Statute to investigate and prosecute crimes falling within the purview of the Statute, the Office continues to encourage national proceedings in relation to all parties to the conflict and is closely following developments regarding the establishment of a special criminal court for the Central African Republic.

Judicial proceedings

The Prosecutor v. Jean-Pierre Bemba Gombo

39. On 21 March 2016, Trial Chamber III unanimously found Mr. Bemba guilty of two counts of crimes against humanity (murder and rape) and three counts of war crimes (murder, rape and pillaging). On 21 June, he was sentenced to 18 years imprisonment.

40. On 4 April, Mr. Bemba lodged an appeal. The Appeals Chamber granted an extension of time for his defence team to file the appeal by 19 September. In

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addition, on 22 July, both the defence and the prosecution appealed against the sentencing decision. Reparations proceedings have begun.

The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido

41. The trial, in relation to charges of offences against the administration of justice pursuant to article 70 of the Rome Statute, opened on 29 September 2015 with the delivery of the Prosecutor's opening statements before Trial Chamber VII. The defence's opening statements and presentation of evidence began on 29 February 2016. On 29 April, the Chamber closed the submission of evidence in the case. The closing oral statements were made on 31 May and 1 June. The judgment will be delivered in due course.

3. Situation in Uganda

Investigations

42. The Office of the Prosecutor conducted 77 missions to three countries to obtain further evidence with a view to bringing additional charges against Dominic Ongwen. In particular, the Office investigated sexual and gender-based crimes and the recruitment and use of child soldiers. It continues to encourage national proceedings in relation to both parties to the conflict.

Judicial proceedings

The Prosecutor v. Dominic Ongwen

43. Mr. Ongwen initially appeared before Pre-Trial Chamber II on 26 January 2015. On 23 March 2016, the charges of war crimes and crimes against humanity brought against him were confirmed by the Chamber. The case was assigned to Trial Chamber IX, which scheduled 6 December as the opening date for the trial. The presentation of evidence by the prosecution is expected to begin in January 2017.

The Prosecutor v. Joseph Kony and Vincent Otti

44. On 10 September 2015, Pre-Trial Chamber II decided to terminate the proceedings against Okot Odhiambo based on evidence that he had died in October 2013. Consequently, the warrant of arrest issued against him is no longer in effect and requests for his arrest and surrender have been withdrawn. The Chamber decided that the case would thenceforth be named after the remaining suspects, Joseph Kony and Vincent Otti.

4. Situation in Darfur

Investigations

45. The Office of the Prosecutor conducted 21 missions to seven countries and continued to monitor trends that could constitute crimes under the Rome Statute, including alleged aerial bombardments, ground attacks, killings, attacks on civilians, sexual violence, forced displacement, attacks on humanitarian aid workers and peacekeepers and arbitrary detentions.

46. As highlighted in its reports of December 2015 and June 2016 to the Security Council, the Office of the Prosecutor continued its investigations with a view to

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bringing justice to the victims of the alleged crimes under the Rome Statute committed in Darfur. Although constrained by the non-execution of the long-outstanding arrest warrants and a severe lack of resources, the Office continued to interview witnesses, gather further documentary evidence, develop more investigative leads with the potential for yielding evidence and refine systems to gather information.

Judicial proceedings

The Prosecutor v. Omar Hassan Ahmad Al Bashir

47. On 11 July 2016, Pre-Trial Chamber II determined that Djibouti and Uganda had failed to comply with the request for the arrest and surrender of Mr. Al Bashir to the Court. Accordingly, the Presidency referred the findings of non-compliance to the Assembly of States Parties to the Rome Statute and the Security Council.

The Prosecutor v. Abdallah Banda Abakaer Nourain

48. On 19 November 2015, Trial Chamber IV found that the Sudan had failed to cooperate with the Court by refusing to execute pending requests for the arrest and surrender of Mr. Banda. The Presidency referred this decision to the Security Council.

5. Situation in Kenya

Investigations

49. The Office of the Prosecutor continued to receive information on the commission of crimes against humanity during the post-election violence of 2007/08 and conducted three missions to three countries.

50. The Office continued to investigate alleged instances of individuals attempting to obstruct, interfere with or discourage prosecution witnesses from giving evidence, in breach of article 70 of the Rome Statute.

Judicial proceedings

The Prosecutor v. William Samoei Ruto and Joshua Arap Sang

51. On 5 April 2016, Trial Chamber V (a) decided by majority to terminate the case against Messrs. Ruto and Sang, to vacate the charges and to discharge the accused without prejudice to their prosecution afresh in the future.

The Prosecutor v. Uhuru Muigai Kenyatta

52. On 19 August 2015, the Appeals Chamber reversed the decision of Trial Chamber V (b) of 3 December 2014, which had rejected the Prosecutor's request to make a finding that Kenya had failed to comply with the Court's request for cooperation. The decision was remanded to Trial Chamber V (b).

The Prosecutor v. Paul Gicheru and Philip Kipkoech Bett

53. On 10 September 2015, Pre-Trial Chamber II unsealed an arrest warrant against Messrs. Gicheru and Bett, initially issued on 10 March 2015 for alleged offences against the administration of justice by corruptly influencing witnesses in

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Kenya. The two suspects were arrested on 30 July by the Kenyan authorities in execution of the Court's request for arrest and surrender and were presented before a judge of the High Court of Kenya. The case remains in the pretrial stage, pending the surrender or voluntary appearance of Messrs. Gicheru and Bett before the Court.

6. Situation in Libya

Investigations

54. The Office of the Prosecutor conducted 14 missions to seven countries and continued to monitor allegations of crimes committed by armed groups and militias. The Office closely cooperated with the United Nations Support Mission in Libya.

55. Owing to the prevailing instability and current security situation, access to Libya itself remained limited. Regardless, the Office acquired new evidence, which it is evaluating to determine whether to seek additional arrest warrants.

56. In line with its aim to maximize the impact of its limited resources, the Office is pursuing efforts to bring together national and international law enforcement agencies working on Libya to share information, where appropriate, and learn from one another's experiences in order to foster specific progress.

Judicial proceedings

The Prosecutor v. Saif Al-Islam Gaddafi

57. In the light of recent information indicating that Mr. Gaddafi is in the custody of the Zintan militia, Pre-Trial Chamber I ordered on 2 June 2016 that the Registrar should liaise with the Libyan authorities to determine whether the request for his arrest and surrender could be addressed to that militia.

7. Situation in Côte d'Ivoire

Investigations

58. The Office of the Prosecutor conducted 35 missions to nine countries for the purpose of collecting additional evidence, screening and interviewing or reinterviewing witnesses and securing the continued cooperation of partners.

59. In parallel, the Office continued investigations of alleged crimes committed by all parties to the conflict during the post-election period.

Judicial proceedings

The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé

60. On 28 January 2016, the trial of Messrs. Gbagbo and Blé Goudé opened before Trial Chamber I, beginning with the opening statements of the prosecution. The proceedings are ongoing, with the continued presentation of evidence by the prosecution.

8. Situation in Mali

Investigations

61. The Office of the Prosecutor conducted 25 missions to seven countries for the purpose of collecting evidence, screening and interviewing witnesses and securing the continued cooperation of partners, including States in the Sahel region.

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62. The initial geographical focus of the Office's investigations was on the three northern regions. In addition to giving attention to allegations concerning attacks against buildings dedicated to religion and historic monuments, including those with World Heritage status, the Office gathered evidence on allegations pertinent to sexual and gender-based crimes and other possible war crimes and crimes against humanity. The Office sought and obtained extensive cooperation from the United Nations agencies present in Mali, in particular the United Nations Multidimensional Integrated Stabilization Mission in Mali and, as regards the attacks against monuments, the United Nations Educational, Scientific and Cultural Organization.

Judicial proceedings

The Prosecutor v. Ahmad Al Faqi Al Mahdi

63. On 18 September 2015, Pre-Trial Chamber I issued a warrant of arrest against Mr. Al Mahdi for the war crimes of intentionally directing attacks against historic monuments and buildings dedicated to religion. Mr. Al Mahdi first appeared before the Court on 30 September. The charges brought against him were confirmed on 24 March 2016 by the Chamber.

64. The case was assigned to Trial Chamber VIII and the trial is scheduled to open on 22 August 2016. Given that Mr. Al Mahdi has expressed his intention to plead guilty, the trial is expected to be brief.

9. Situation in Georgia

65. On 27 January 2016, Pre-Trial Chamber I granted the Prosecutor authorization to begin an investigation into the situation in Georgia in relation to crimes falling within the Court's jurisdiction allegedly committed in and around South Ossetia between 1 July and 10 October 2008 (see para. 11 above).

66. Since the authorization was granted, the Office of the Prosecutor has prepared for the initiation of the actual process of evidence collection by, among other things, reviewing material already in its possession, drafting the necessary strategic documents and plans and conducting missions in close coordination with the Registry, or jointly when appropriate.

67. The Office encourages cooperation from all parties throughout the investigation; such cooperation will contribute to the impartiality and the effectiveness of the investigation and will allow the Office to gain access to alleged crime scenes, relevant evidence and victims.

III. International cooperation

A. Cooperation with the United Nations

1. General cooperation with Headquarters

68. In accordance with the Relationship Agreement, the United Nations provides facilities and services to the Court on a reimbursable basis. The Court's 2013 report on the status of ongoing cooperation between the Court and the United Nations, including in the field, remains a reference tool for understanding the many forms of cooperation between the United Nations and the Court, ranging from dialogue

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aimed at identifying challenges in the execution of the respective mandates of and cooperation between the two institutions to a practical working relationship, including exchange of information and reports, administrative and personnel arrangements, provision of services and facilities, logistical support in the field, financial matters, travel arrangements and judicial assistance, the appearance of United Nations staff in court to provide testimony and supporting each other's activities in the field.

69. The Relationship Agreement establishes the framework for cooperation and serves as a basis for supplementary agreements and arrangements, including the comprehensive agreements with United Nations peacekeeping missions. The Court welcomes the United Nations guidance for the Court on the implementation of the Agreement, which has contributed to streamlining cooperation.

70. The Court has received crucial support and cooperation over the years from the United Nations and its senior officials, in particular the Secretary-General and the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel. The Office of Legal Affairs provides invaluable assistance with the transmission and coordination of judicial cooperation requests and serves as an efficient interface between the Court and the United Nations.

71. The Court is also grateful for the interaction with and support of other United Nations offices and departments, including the Department of Peacekeeping Operations, the Department of Political Affairs, the Department of Safety and Security, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office at Geneva, the United Nations Office on Drugs and Crime and the offices of the special advisers and special representatives of the Secretary-General on the prevention of genocide, the responsibility to protect, children and armed conflict, sexual violence in conflict and Libya. The Court also appreciates its regular interaction with United Nations agencies, including the United Nations Educational, Scientific and Cultural Organization, and United Nations programmes and funds and other entities, including the United Nations Development Programme and the United Nations Institute for Training and Research. The Court is grateful for the continued generous support of the United Nations Entity for Gender Equality and the Empowerment of Women, in particular through the secondment of gender experts to the investigation teams of the Office of the Prosecutor.

72. The principals of the Court continued to hold high-level consultations with senior United Nations officials, including the Secretary-General, the Deputy Secretary-General, the Legal Counsel and the United Nations High Commissioner for Human Rights, to discuss matters of mutual interest and to seek the Organization's support. The Prosecutor's twice-yearly briefings to the Security Council in relation to the situations in Darfur and Libya provide an opportunity to keep the Council and the Organization's membership informed of progress and challenges in those investigations.

73. The annual joint round table of the United Nations and the Court enables officials from both institutions to meet at the working level to discuss practical cooperation arrangements, lessons learned and challenges ahead. The next round table is scheduled for November 2016.

74. The representation of the Court at the United Nations in the form of a small liaison office provides an important channel of communication between the Court

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and the Organization and its agencies, funds and programmes, facilitating the maintenance and further development of the relationship and cooperation between the two organizations, as well as between the Court and permanent and observer missions in New York. The Court is also financing a legal position (P-3) within the Office of Legal Affairs in order to cover the costs incurred as a result of cooperation with the Court.

75. Although not party to the Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations Applying the United Nations Common System of Salaries and Allowances, the Court retained an observer position and continued to administer and support the movement of personnel in full accordance with the provisions of the Agreement. Twelve staff members were on loan or secondment to the Court from other tribunals or international organizations, while 3 staff members of the Court were on loan or secondment to other tribunals or international organizations.

76. The Court continued to cooperate with United Nations common system organizations, participating in inter-agency meetings on facilities management, travel and security and engaging with several agencies for the provision of services. The Secretariat and several agencies provided services such as the loan of staff members, membership in the United Nations System Electronic Information Acquisition Consortium, inter-satellite and information and communications technology services, security, medical and transportation assistance and training.

2. Cooperation with United Nations peacekeeping missions and other United Nations presences in the field

77. With regard to the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Kenya and Mali, the Court continued to benefit from cooperation from United Nations field presences, in accordance with the mandates of those presences and with the agreement of the host States. This included, in particular, security and logistical assistance, including use of United Nations flights, training and access to medical facilities. Conversely, Court field offices are providing, upon request, logistical and security support to the Organization.

78. On 19 May 2016, the Court concluded a memorandum of understanding with MINUSCA, in line with previous memorandums concluded with the United Nations peacekeeping missions in Côte d'Ivoire, the Democratic Republic of the Congo and Mali, in order to facilitate modalities for cooperation. The memorandum provides for the provision of assistance to all parties to and participants in the judicial proceedings.

79. Lastly, the Court benefited from the sharing of information among and operational support of United Nations missions on an ad hoc basis in several countries that are not situation countries, but that are relevant to the investigations or preliminary examinations being conducted by the Office of the Prosecutor.

80. The Registry greatly appreciates the specific support that the United Nations provided to counsel and the constructive dialogue with the Organization in relation to defence cooperation requests. Continued assistance to counsel and the inclusion of related provisions in agreements between the Court and the United Nations is of particular importance in the light of the principle of equality of arms.

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81. The Court welcomes the practice of entering into agreed modalities for assistance with United Nations field presences to facilitate timely cooperation, thereby reducing delays and costs. Such arrangements remain subject to the mandate of each United Nations presence and the express consent of the host State where necessary. The Court is heartened by the increased regularity with which language is included in relevant United Nations mandates to enable cooperation with the Court and assistance in support of national efforts to combat impunity for international crimes. It remains important to consistently maintain in mission mandates and mandate renewals the authorization for the mission to support national authorities in securing arrests.

82. Over the past years, the Office of the Prosecutor has continued to be in contact with numerous commissions of inquiry set up by the Secretary-General, the Security Council or the Human Rights Council, including regarding the Central African Republic and Libya. The Office has also interacted with relevant United Nations groups or panels of experts, which often have, very early on, valuable information on situations of interest to the Office. It has also been able to share information with commissions, when deemed appropriate and possible. More information on cooperation with commissions is provided in the Court's 2013 report on the status of ongoing cooperation between the Court and the United Nations and the Court's previous report to the General Assembly (A/70/350).

3. Cooperation with the Security Council

83. The capacity of the Security Council to refer a situation to the Court is crucial to promote accountability, but active follow-up to referrals in terms of ensuring cooperation is necessary to ensure that effective justice can be delivered. The arrest and surrender of individuals subject to warrants of arrest are of particular importance. Inactivity on the part of the Council when it comes to taking measures to ensure that cases can be brought to the courtroom risks undermining the credibility of both the Council and the Court. The Court also recalls the provisions of article 115 (b) of the Rome Statute, in accordance with which funds of the Court may be provided by the United Nations, in particular in relation to the expenses incurred due to referrals by the Council.

84. The Court has transmitted a total of 14 communications on non-cooperation to the Council regarding Darfur and Libya, including 3 during the reporting period. On 1 March 2016, the Secretary-General transmitted to the President of the Court a copy of a letter, dated 21 December 2015, from the then President of the Council, indicating that the decisions of the Pre-Trial Chambers concerning non-cooperation in the situations in Darfur and Libya had been brought to the attention of the members of the Council. The Court looks forward to engaging with interested parties to develop methods of structured dialogue between the Court and the Council, to discuss how to improve the implementation of obligations created by the Council, including the execution of arrest warrants, and to seek more constructive strategies for attaining the mutual goals of preventing and ending impunity for atrocity crimes.

85. The Court continues to welcome the guidelines of the Secretary-General on contacts with persons who are the subject of arrest warrants or summonses issued by the Court.

86. United Nations targeted sanctions are an important tool for addressing threats to international peace and security, including atrocity crimes. Some factors, however, still prevent their most effective use. The Court has previously provided

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some suggestions on possible improvements, which are detailed in its 2013 report on the status of ongoing cooperation between the Court and the United Nations and the Court's previous report to the General Assembly (A/70/350).

87. Furthermore, key recommendations to improve cooperation, coordination and information-sharing with international criminal justice actors, the Council, the Office of Legal Affairs and sanctions committees were identified in the Compendium of the High-level Review of United Nations Sanctions (A/69/941-S/2015/432, annex). The Court looks forward to engaging in a dialogue aimed at facilitating cooperation on sanctions-related matters, including through the development of strategic partnerships and thematic discussions.

4. Mainstreaming the Court in the United Nations system

88. The United Nations, as the main forum for international cooperation, consultations and policymaking, presents a unique context for promoting the mainstreaming and understanding of the Court and broader issues relating to the Rome Statute system of international criminal justice. Each year, the General Assembly, the Security Council and other United Nations organs, committees and commissions debate and take decisions on numerous topics relating to the mandate of the Court. During the reporting period, the Assembly and the Council adopted resolutions and decisions in which the mandate of the Court was recognized and supported, including during the renewal of various peacekeeping mandates and the annual Assembly resolution on the Court, adopted in May 2016 (resolution 70/264). The participants in a number of high-level United Nations meetings also recognized and highlighted the role of the Court, notably the United Nations summit for the adoption of the post-2015 development agenda, held in September 2015, the World Humanitarian Summit, held in Turkey in May 2016, and the high-level thematic debate on human rights held by the Assembly in July 2016. The Court is also grateful to the United Nations Office at Geneva for hosting executive briefings to delegations, such as on the occasion of the Prosecutor's visit to Geneva on 2 June 2016, allowing for fruitful exchanges on the interaction and relationship between international criminal justice and human rights actors.

89. The relationship between the United Nations and the Court is founded in a shared belief that peace, justice and development are interdependent. Cooperation and collaboration between the two organizations are essential to achieving progress in areas of common interest, including topics relating to children in and affected by armed conflict, protection of civilians during armed conflict, sexual violence in conflict, protection of cultural heritage, prevention of atrocity crimes or breaches of international humanitarian law, the relationship of peace and justice, and justice and development. These linkages can be strengthened through the inclusion of specific recommendations in United Nations reports, through resolutions and decisions adopted by United Nations bodies, through public statements in debates and discussions in United Nations forums or by inviting senior Court officials to participate and provide briefings when issues of relevance are being discussed.

90. As discussed in its previous report (A/70/350), the Court also encourages further efforts by the United Nations community in areas such as promoting the universality of the Rome Statute and strengthening national jurisdictions. The implementation of the 2030 Agenda for Sustainable Development, especially in respect of Sustainable Development Goal 16, provides an important platform to enhance the mainstreaming of international justice issues within the framework of the rule of law and access to justice at the national and international levels.

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B. Cooperation with and assistance from States, other international organizations and civil society

1. Judicial assistance

91. The Court continued to request the assistance of States to fulfil its mandate. The Registry transmitted 724 requests for visas and 224 requests for cooperation.

92. In connection with its investigative and prosecutorial activities, the Office of the Prosecutor addressed more than 380 requests for assistance to in excess of 50 partners, including States parties, non-States parties, international and regional organizations and other public or private entities, in addition to following up on the execution of pending requests.

93. States continued to assist defence teams in support of investigative activities, such as through the provision of visas and logistical support, including support for video links, the facilitation of family visits and access to clients and information. States also assisted legal representatives of victims.

94. The Office of the Prosecutor continued to develop an active network of judicial cooperation partners and other national contacts. Efforts were made to further enhance cooperation with national, regional or international law enforcement networks in support of the Office's investigative needs and to assist with national proceedings, when appropriate, in accordance with the principle of complementarity.

95. The Registry and the Office of the Prosecutor worked closely together to continue to develop a network of partners in the area of the identification, freezing and seizure of assets to foster exchange of information, knowledge and training. Both organs are also working together to share information provided by States in the context of the tracking of suspects at large.

96. Eight family visits for detainees were carried out. The Trust Fund for Family Visits established by the States parties enabled the visits and the Court calls upon States parties to continue to support the Trust Fund financially.

2. Cooperation seminars

97. Enhancing cooperation with States parties, non-States parties and other relevant stakeholders remained high on the Court's agenda. The generous financial contributions of the European Commission, the Netherlands, Finland, Norway and the International Organization of la Francophonie enabled the organization of high-level and technical events. The Court is also grateful to Botswana and Romania for hosting regional high-level cooperation seminars, to the United Republic of Tanzania for hosting the Court's second subregional seminar of counsel and the legal profession and to the African Union Commission for co-hosting the fourth joint technical seminar in Addis Ababa. Technical events addressing important cooperation themes were held in The Hague, including a seminar with Court focal points of situation countries, a training session for counsel and a consultative seminar organized by the Office of the Prosecutor on its draft policy on children. More than 580 external participants from some 100 States and other entities attended.

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3. Cooperation with other international and regional organizations

98. The Court continued to develop its interaction and cooperation with international and regional organizations in order to maintain and foster support for its activities. It reinforced its involvement and presence in international networks of judicial practitioners and law enforcement actors and strengthened dialogue with other judicial institutions, including through the conclusion of a memorandum of understanding on cooperation with the Inter-American Court of Human Rights. Active cooperation was obtained from partners such as the International Criminal Police Organization, the European Union (the European Commission, the European External Action Service, Euro just and the European Police Office), the Council of Europe, the International Organization of la Francophonie, the World Bank, the Inter-American Commission on Human Rights and the Ibero-American Legal Assistance Network.

4. Cooperation with civil society

99. The Court continued to engage actively with its civil society partners and held an annual round table with non-governmental organizations from 7 to 10 June 2016 to discuss issues of common interest.

100. The Court worked extensively with civil society organizations having acted as intermediaries in reaching out to the victims and affected communities and assisted in bringing publicity for the proceedings, for example in relation to the Ongwen case or in the context of the notice to victims in the situation in Georgia.

101. The Court appreciates, and continued to participate in, activities organized by civil society partners to promote the universality and full implementation of the Rome Statute. The Court also appreciates the assistance of civil society in connection with moot courts, training, exchange of information, technical advice and the creation of rosters of experts.

IV. Institutional developments

A. Ratifications and accessions

102. On 3 March 2016, El Salvador acceded to the Rome Statute, becoming the 124th State party.

103. As regards ratifications of the amendments to the Rome Statute, as at the end of the reporting period, the amendment to article 8 and the amendments on the crime of aggression had both been ratified or accepted by 30 States. Furthermore, one State had accepted the amendment to article 124.

B. Move to permanent premises

104. On 14 December 2015, the Court moved into its new, permanent premises in The Hague, funded by the States parties at a total cost of some 204 million euros. The new building, offering three courtrooms and more than 1,200 workplaces, supports the judicial mission of the Court with purpose-built solutions, and its design reflects the transparency and innovativeness of the institution. The permanent premises were officially opened on 19 April 2016 by King Willem-Alexander of the Netherlands in the presence of Secretary-General.

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C. Initiatives for improving the Court's efficiency

105. Court principals continued to strengthen their joint strategic vision regarding the institution's main activities and key priorities, in addition to increasing the Court's performance in both the long and short terms. Projects such as the Court's basic size, synergies and the definition of performance indicators led to increased strategic discussion of the Court's organs at various levels. In addition, structural and workflow improvements in the Registry yielded positive effects. This generated a noticeable increase in the internal streamlining, communication and efficiency of the institution as a whole. The Court is grateful to Switzerland for hosting a productive retreat on performance indicators.

D. Trust Fund for Victims

106. In November 2015, the Assembly of States Parties elected a new board of directors of the Trust Fund for Victims. The Trust Fund and its locally based implementing partners continued to assist more than 300,000 victims in northern Uganda and the Democratic Republic of the Congo, providing physical and psychological rehabilitation and material support to survivors of crimes under the Court's jurisdiction. The Trust Fund will appreciate further contributions by States and other donors to expand and sustain assistance mandate programmes and to maintain and grow the Fund's financial reserve to complement the payment of Court-ordered reparations awards.

E. International Criminal Court Bar Association

107. The International Criminal Court Bar Association was established in The Hague on 1 July 2016 as the first bar association for counsel and their assistants eligible to practise before the Court. It is an independent association and not part of the Court, with the goal of advancing the general interests of counsel appearing before the Court, reinforcing the full independence of counsel and strengthening equality of arms at the Court.

V. Conclusion

108. The Court had another active year and the indispensable cooperation of the United Nations and its various agencies and funds, States and other entities remained crucial for its ability to ensure accountability, provide justice to victims and help to prevent future crimes. The challenges that the international community is facing have become more complex and varied, shifting the attention, resources and policies of global actors, including the United Nations. To adjust to these new challenges, there is a need to reassert the relevance and importance of international criminal justice and the Court as a key actor in today's global agenda striving for international peace, security and the rule of law.

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